

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------|---|------------------|
| |) | |
| FIRST FEDERAL AVENUE, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action |
| v. |) | No. 19-11827-PBS |
| |) | |
| CITY OF QUINCY and BRIAN |) | |
| PALMUCCI, |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER

December 16, 2019

Saris, C.J.

In this action, Plaintiff First Federal Avenue, LLC, the operator of a sober home in Quincy, MA, brings claims against Defendants City of Quincy and Brian Palmucci, a Quincy City Councilor, regarding the passage of an ordinance that requires sober homes in Quincy to register with the city. Defendant Palmucci moves to dismiss all claims against him based on absolute legislative immunity.

Local legislators are entitled to absolute immunity from civil liability for their legislative actions, regardless "of all considerations of intent and motive." Bogan v. Scott-Harris, 523 U.S. 44, 55 (1998). Palmucci's act of voting for the

challenged ordinance is clearly entitled to legislative immunity. Furthermore, First Federal has not alleged any independently actionable claims related to letters sent by Palmucci to constituents concerning sober homes in Quincy.

For the foregoing reasons, Palmucci's motion to dismiss (Dkt. No. 8) is ALLOWED.

SO ORDERED.

/s/ PATTI B. SARIS

Hon. Patti B. Saris

Chief United States District Judge